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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.17227 of 2019

and

Crl.M.P(MD)No.9664 of 2019

in

Crl.OP(MD)No.9091 of 2019

Dr.S.Prabahar ... Petitioner/Accused No.2

Vs.

The State Represented by
the Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli Detachment,
Tirunelveli District.
[In Crime No.7 of 2017] ... Respondent/Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent to complete the investigation in Crime No.7 of 2017 and to file appropriate report within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi
For Respondents: Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The criminal original petition in CrlOP(MD)No.17227 of 2019 was filed by accused No.2 in Crime No.7 of 2017 for a direction to direct the respondents to complete the investigation in Crime No.7 of 2017 pending on the file of the respondent Police.

2.The respondent Police filed Crl.M.P(MD)No.9664 of 2019 for grant of further period of six months to complete the investigation in Crime No.7 of 2017 as directed by this Court in Crl.O.P(MD) No.9091 of 2019.

3.This Court by order dated 26.06.2019, in Crl.O.P(MD)No.9091 of 2019, directed the respondent investigating agency to file a final report in Crime No.7 of 2017, within a period of three months, based on the submissions made on behalf of the respondent Police. However, according to the learned Additional Public Prosecutor, there was no progress in the investigation by the earlier investigating officer and therefore, the investigation in Crime No.7 of 2017 was especially allotted to the Deputy Superintendent of

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Police, Vigilance and Anticorruption of Theni District to conduct investigation in this case. The present investigating officer took over the charge of the investigation only on 16.08.2019, from the Inspector of Police, Vigilance and Anticorruption, Tirunelveli and collected 12 documents and examined two witnesses. He also stated that 284 applicants both men and women, who applied for M.A (English) and 203 other witnesses, who have applied for M.Phil (English) course during the academic years 2011-12, 2012-13, 2013-14 and 2014-15 have to be examined and therefore, for completing the investigation, he requested for further time.

4.Mr.T.Cibi Chakaraborthy, learned Counsel appearing for the petitioner in Crl.O.P(MD)No.9091 of 2019 has objected for grant of extension of time that it was only on their undertaking, this Court in its earlier order dated 26.06.2019, directed the investigating agency to complete the investigation within a period of three months and therefore, now, in order to help the accused, the investigating agency is seeking further time for completing the investigation. But, on the other hand, one of the accused [A2] in Crime No.7 of 2017 has come forward with an application that in view of the pendency of the investigation against him, he is very much affected as promotional opportunities are also affected and therefore, there must be a direction for expediting the investigation in this case.

5.Considering the rival submissions, this Court has raised a query regarding the reason for the delay in completing the investigation and it is submitted that the Deputy Superintendent of Police, Theni, who is already assigned with several other work, has been specially designated to conduct the investigation in this case also. However, the veracity of the offence is that for admission of M.A (English) and M.Phil (English) in Manonmaniam Sundaranar University, during the academic year 2011-12, 2012-13, 2013-14 and 2014-15, the accused along with other officials misused their official position as public servants and conspired together and created incorrect records and by using this incorrect records, admitted ineligible candidates and also by defying the Government Orders passed in G.O(1D) Higher Education (G1) Department, dated 31.05.2013, G.O(1D) No.75 Higher Education Department, dated 10.05.2008.

6.Mr.T.Cibi Chakaraborthy, learned Counsel for the petitioner in Crl.O.P(MD)No.9091 of 2019 has pointed out that the petitioner in Crl.O.P(MD)No.17227 of 2019 has already filed a petition in Crl.O.P (MD)No.15949 of 2018 for a direction to complete the investigation within a stipulated time, wherein this Court by order dated 06.09.2018 disposed of the same within a reasonable time.

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7.Mr.R.Gandhi, learned Counsel appearing for the petitioner in Crl.O.P(MD)No.17227 of 2019 has stated that the petitioner is ready and willing to co-operate for the investigation. Since there was no time limit fixed by this Court in the order dated 06.09.2018, the investigating agency has not completed the investigation.

8.The nature of offence committed in this case is by way of illegal act, the eligible candidates have been prevented from getting admission in M.A.(English), M.Phil,(English)courses in the University, which led to ineligible candidates getting admission. Such an offence is very serious offence than any other offences. It is not the only incident reported as against this University and there are nearly four other cases pending as against the offence committed in the University, in one case final report has already been filed and in three cases preliminary enquiry is still pending.

9.The learned Additional Public Prosecutor has raised a genuine ground that the Deputy Superintendent of Police, has been assigned with additional charge for conducting investigation in this case and he has already been burdened with several other cases in Theni District.

10.Considering the serious nature of the offence and the orders passed by this Court in Crl.O.P(MD)No.15949 of 2018 dated 06.09.2018 and in Crl.O.P(MD)No.9091 of 2019, dated 26.06.2019, this Court directs the respondent Police to complete the investigation in this case, within a period of three months from today and Vigilance and Anticorruption Department, Shall ensure by deputing necessary officers to assist the investigating officer to conclude the investigation as directed by this Court and the petitioner in Crl.O.P(MD)No.17227 of 2019 shall extend his fullest co-operation with the investigation.

11.In the result, Crl.O.P(MD)No.17227 of 2019 and Crl.M.P(MD) No.9664 of 2019 are disposed of on the above terms.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli Detachment,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.17227 of 2019
and
Crl.M.P(MD)No.9664 of 2019
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